

EXHIBIT A

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

BONGO PRODUCTIONS, LLC, ROBERT
BERNSTEIN, SANCTUARY PERFORMING
ARTS LLC, and KYE SAYERS,

Plaintiffs,

v.

CARTER LAWRENCE, Tennessee State Fire
Marshal, in his official capacity,
CHRISTOPHER BAINBRIDGE, Director of
Codes Enforcement, in his official capacity,
GLENN R. FUNK, District Attorney General
for the 20th Judicial District, in his official
capacity, and NEAL PINKSTON, District Attorney
General for 11th Judicial District, in his official
capacity,

Defendants.

Civ. Action

No. 3:21-cv-00490

Judge Trauger

DECLARATION OF ROBERT BERNSTEIN

1. Through my company, Bongo Productions, LLC (“Bongo”), I own and operate several coffeehouses or restaurants, Bongo Java, Bongo East, Fido, Game Point and Grins Vegetarian Cafe, in Nashville, Tennessee. I also operate a coffee roasting company that provides our cafes as well as restaurants, offices, and individual customers in Nashville and across the country with certified organic, specialty coffee. See <https://www.bongojava.com/>

2. I am the founder and chief manager of Bongo.

3. Of my businesses, only Fido has multi-user sex-designated restroom facilities. Grins Vegetarian Café is located inside the Hillel Center as part of the Vanderbilt University campus, which also has multiple stalls in their restrooms.

4. I opened Fido in 1996. Fido is restaurant located in the Hillsboro Village neighborhood of Nashville.

5. Fido has 25 employees currently on staff and has employed hundreds of people over the years.

6. In the past, Bongo has employed transgender people. Bongo's and Fido's patrons include members of the transgender community.

7. Bongo and I have worked over the years to create a welcoming environment for members of the LGBTQ community. I believe that many of our customer base supports LGBTQ rights.

8. In reaction to the rash of anti-transgender laws that passed this year and to show support for transgender people, Fido's staff decorated the restaurant's specialty drinks sign with transgender and LGBTQ pride flag colors.

9. Fido has three restrooms. One is a single user, unisex restroom, which I believe is not subject to H.B. 1182. The other two restrooms both have multiple stalls and/or urinals and bear sex-designations, and therefore I believe are subject to H.B. 1182's requirements.

10. I am concerned that I will be required to post the warning notice on Fido's restrooms because we allow all women, including transgender women, to use the women's restroom, and all men, including transgender men, to use the men's restroom.

11. Prior to the passage of H.B. 1182, Fido's management and I had never thought about a formal policy as to who could use which restroom. Our informal policy was to never tell any person that they could not use a particular sex-designated restroom, and to allow transgender people to use the restroom that matched their gender identity.

12. I have never received any complaints about our restroom policies or about transgender people using the restrooms that match their identity.

13. Fido's restroom are not in constant visual line of sight of our staff so we might have to put up cameras if we had to monitor who uses which restroom.


14. I believe that posting the warning notice required by H.B. 1182 will offend our staff, customers, friends, and family. I am worried I could lose staff and customers if forced to post this sign.

15. I am also concerned that the required warning notice could create confusion for our customers, clients and employees.

16. I am a former journalist and I believe strongly in freedom of speech. I find the message communicated by H.B. 1182 offensive, and I object to the government requiring me to post a controversial warning notice in my businesses that is ideologically motivated and inaccurate.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: June 24, 2021



Robert M. Bernstein